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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Request of Limited Modification of )  
LATA Boundaries to Provide ELCS )  
Between the Milford )  
Exchange and the Hillsboro )  
Exchange. )

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96-159

**PETITION**

**I. INTRODUCTION**

Southwestern Bell Telephone Company (SWBT), pursuant to Section 3(25) of the Communications Act of 1934, as amended,<sup>1</sup> and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,<sup>2</sup> hereby makes application for a limited modification of LATA boundaries to provide ELCS between the Milford exchange and the Hillsboro exchange.

**II. SUPPORTING INFORMATION**

As prescribed in paragraph 23 of the aforementioned Commission MO&O, SWBT provides the following information in support of its application:

1. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);
2. Direction of service: Two-way;

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<sup>1</sup> The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

<sup>2</sup> Memorandum Opinion and Order, Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service at Various Locations, CC Docket No. 96-159, released July 15, 1997. By way of this MO&O the Commission adopted a format for and criteria under which such petitions would be granted. The format and criteria are detailed in paragraphs 23 and 24.

3. Exchanges involved: Milford in the Dallas, TX LATA and Hillsboro in the Waco, TX LATA;
4. Name of carriers: Milford of Contel/GTE Southwest, Inc. and Hillsboro of Southwestern Bell Telephone;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: The Milford exchange has 388 access lines, and the Hillsboro exchange has 6,094 access lines;
7. Usage data: Usage data is not available to Southwestern Bell Telephone. SWBT does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Milford customers returning ballots who voted in favor of ELC to Hillsboro: 84.20. Where SWBT is the petitioning exchange, there is no proposed rate increase. Where SWBT is not the petitioning exchange, SWBT does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

### **III. *PRIMA FACIE* SHOWING**

SWBT believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or

access lines. These requirements for a *prima facie* case are detailed in the aforementioned Commission MO&O paragraph 24.

#### IV. CONCLUSION

Wherefore, SWBT request that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Milford exchange and the Hillsboro exchange.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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AUGUST 29, 1997

DOCKET NO. 15207

PETITION FOR EXPANDED LOCAL  
CALLING SERVICE FROM THE MILFORD  
EXCHANGE TO THE EXCHANGE OF  
HILLSBORO

§ PUBLIC UTILITY COMMISSION  
§  
§ OF TEXAS  
§

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**INTERIM ORDER****Findings of Fact**

1. On August 6, 1995, subscribers of the Milford Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchange of Hillsboro.
2. The processes for petitioning and balloting included notice that the service would be for a flat monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis.
3. The Milford Exchange is in the Dallas Local Access and Transport Area (LATA) and is served by GTE Southwest, Inc./Contel of Texas (GTE-SW/Contel). The petitioned exchange of Hillsboro is in the Waco LATA and is served by Southwestern Bell Telephone Company (SWBT).
4. An affirmative vote of 84.20 percent of Milford Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Hillsboro Exchange.
5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.

6. The petitioned exchange of Hillsboro is within the 22-mile distance requirement for community of interest to be presumed to exist between the petitioning and petitioned exchanges pursuant to 16 T.A.C. §23.49(c)(3)(B)(ii).
7. In addition to satisfying the presumptive geographic community of interest test in the Texas Public Utility Commission's rules, an affidavit attesting to the existence of a community of interest between the petitioning and petitioned exchanges was filed on January 30, 1996 for the petitioned exchange of Hillsboro.
8. The Hillsboro Exchange provides a hospital with an emergency room, a junior college, employment, intergovernmental relationships, banking and shopping for Milford Exchange subscribers.
9. Based on the affidavit referenced in Finding of Fact No. 7, there is a community of interest between the petitioning Milford Exchange and the petitioned exchange of Hillsboro.

#### **Ordering Paragraphs**

In accordance with the findings of fact, the Commission issues the following Interim Order:

1. This proceeding is unabated.
2. Petitioners from the Milford Exchange have shown a community of interest with the Hillsboro Exchange.
3. Within thirty (30) days of the effective date of this Interim Order, SWBT is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in

the FCC order, In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations. CC Docket No. 96-159, FCC 97-244. (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24.

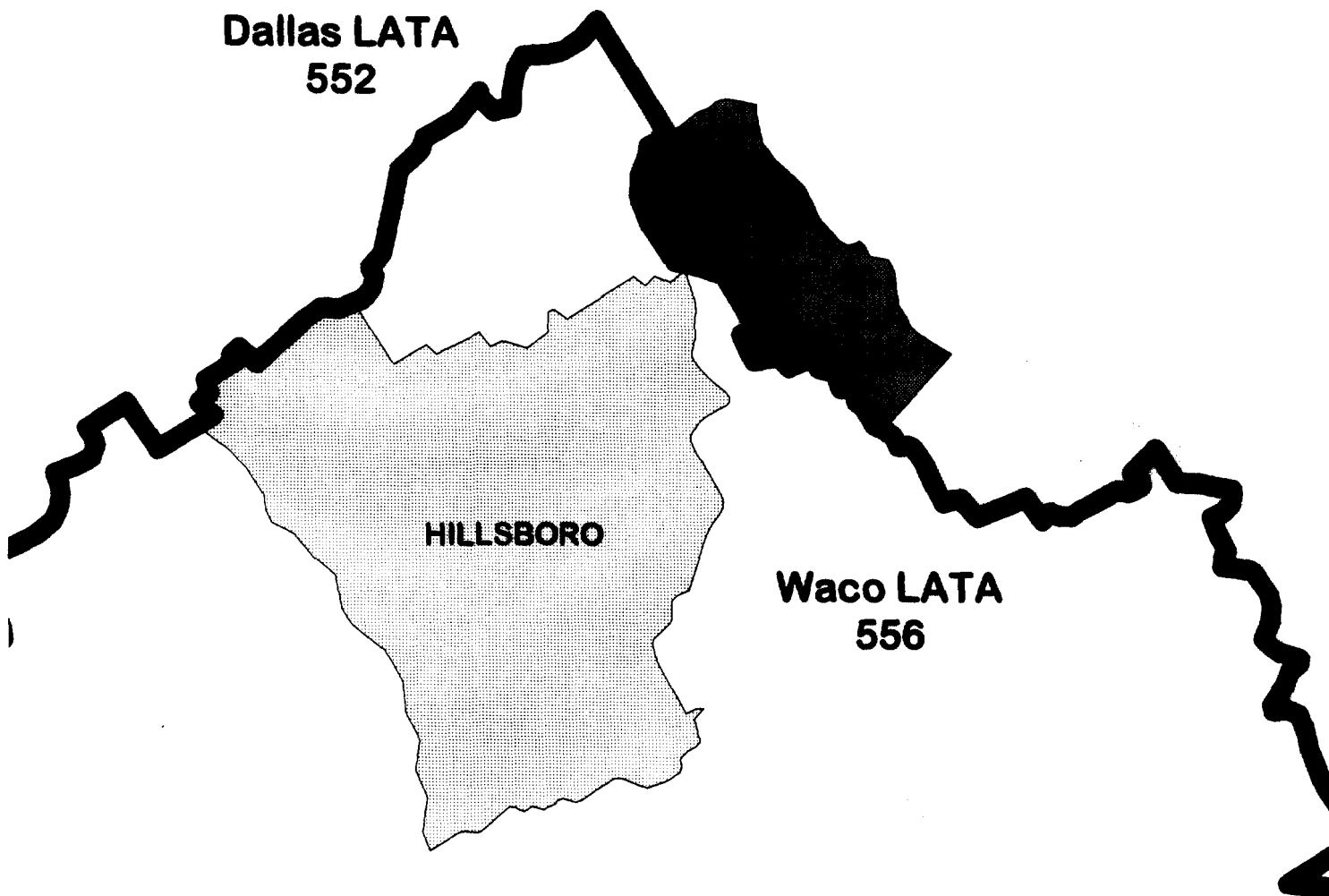
4. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SWBT is directed to file such Order or Notice in this project.



**ISSUED BY THE OFFICE OF POLICY DEVELOPMENT  
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS  
ON THE 1st DAY OF AUGUST, 1997**

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## Milford To Hillsboro

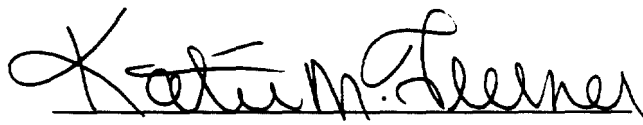


6 0 6 12 Miles

 Southwestern Bell Telephone Exchange  
 GTE/Contel Southwest Inc. Exchange

CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "PETITION OF SOUTHWESTERN BELL TELEPHONE COMPANY" in Docket No. 96-159 has been filed this 29th day of August, 1997 to the Parties of Record.

A handwritten signature in cursive script, reading "Katie M. Turner", written over a horizontal line.

Katie M. Turner

August 29, 1997



Texas Public Utility Commission  
1701 North Congress  
Austin, Texas 78701